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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/602,540	<b>Applicant(s)</b> TUOMAINEN ET AL.
	<b>Examiner</b> MYLINH TRAN	<b>Art Unit</b> 2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 11 September 2009.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-4,6-11,13-27,29,30 and 32-45 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-4,6-11,13-27,29,30 and 32-45 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 09/11/2009

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date: \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

#### **DETAILED ACTION**

##### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/11/2009 has been entered. Applicant's Amendment filed 09/11/2009 has been entered and carefully considered. Claims 1, 2, 3, 4, 6, 7, 9, 11, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30 have been amended. Claims 32-45 have been added. However, the limitation of the amended claims have not been found to be patentable over prior art of record, therefore, claims 1-4, 6-11, 13-27, 29-30 and 32-45 are rejected under the same ground of rejection as set forth in the office action mailed (05/11/2009).

##### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes

that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-4, 6-11, 13-27, 29-30 and 32-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. [US. 6,332,024] in view of Smethers [2004/0142720].

**As to claims 1, 19, 22 and 24,** Inoue et al. teach displaying a plurality of selection elements (figure 6E, selectable elements: C41, C40 (Enter button), C42); activating one of the selection elements ("ENTER" is selected), and displaying a version of the active selection element along with at least one auxiliary element (Figure 6F, C50 with two arrows: up and down (auxiliary elements)).

Although Inoue et al. teach the limitation of highlighting selection elements located on a LCD display screen, Inoune et al. fail to clearly teach the feature of the displaying a magnified version of the active selection element. However, Smethers teaches the displaying a magnified version of the selection element at figures 5A, 5B and 5D. "Email", "Inbox" and "Back" are magnified versions. It would have been obvious to one of ordinary skill in the

art, at the time the invention was made, to combine the magnifying the selection elements of Smethers with the teaching of Inoue of plurality of selection elements. Motivation of the combination would have been to be easy to view and select the selection elements because of increasing their size.

**As to claims 2, 20, 23 and 25,** Inoue et al. teach displaying a submenu for the active selection element (figure 4B, each of name and phone number is a submenu).

**As to claim 3,** Inoue et al. teach activating an element of said submenu and displaying an auxiliary element on the active element of the submenu (figure 4C, CA11 has auxiliary elements being two arrows: up and down).

**As to claim 4,** Inoue et al. teach the at least one auxiliary element being not shown in the no-active selection elements (figure 6G, "Enter" button C50 is the no-active selection element. No show auxiliary element in the "Enter" button C50).

**As to claim 6,** Inoue et al. teach at least one auxiliary element including a plurality of navigation aids indicating possible navigating directions for activating another selection element other than said active selection element (figure 6F, C50 has two auxiliary elements including two navigation arrows: up and down).

**As to claim 7,** Inoue et al. teach at least one of the at least one auxiliary element, displays a selectable function (figure 6F-6G, the displayed submenu (6G) is the selectable function).

**As to claim 8,** Inoue et al. teach the selectable function being accessible via a shortcut (figure 6F "Cc5" is the shortcut).

**As to claim 9,** Inoue et al. teach at least one of the at least one auxiliary element being located close to an identifier of the active selection element (figure 6F, the arrow is close to the identifier of the element "C50").

**As to claims 10 and 18,** Inoue et al. teach an identifier of the selection element is at least one the following: an icon, an object, a figure, a text, or a cell of a menu (figure 6F, icon "arrow").

**As to claim 11,** Inoue et al. teach an electronic device configured to perform at least a plurality of operations (figure 1A); a graphical user interface, configured to display a plurality of selection elements (figure 4A, A00-A03); activate one of the plurality of selection elements (figure 6E, "ENTER" is selected), and wherein said apparatus is configured to display a version of the active selection element along with at least one auxiliary element on said graphic user interface (Figure 6F, C50 with two arrows: up and down (auxiliary elements). Although Inoue et al. teach the limitation of highlighting selection elements located on a LCD display screen, Inoune et al. fail to clearly teach the feature of the displaying a magnified version of the active selection element. However, Smethers teaches the displaying a magnified version of the selection element at figures 5A, 5B and 5D. "Email", "Inbox" and "Back" are magnified versions. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the magnifying the selection elements of Smethers with the teaching of Inoue of

plurality of selection elements. Motivation of the combination would have been to be easy to view and select the selection elements because of increasing their size.

**As to claim 13**, Inoue et al. teach the at least one auxiliary element comprising navigation aid indicating the possible navigating direction (figure 6F, C50 has two auxiliary elements including two navigation arrows: up and down).

**As to claim 14**, Inoue et al. teach the apparatus being configured to display a submenu for the active selection element on said graphic user interface (figure 4B, each of name and phone number is a submenu).

**As to claim 15**, Inoue et al. teach the at least one auxiliary element comprising a selection aid indicating a selectable function (figure 6F-6G, the C50 has the auxiliary element (arrow) comprising the navigation arrow indicating the displayed submenu (6G) being the selectable function).

**As to claim 16**, Inoue et al. teach the selection aid being a shortcut menu (figure 6F-6G).

**As to claim 17**, Inoue et al. teach the active selection element comprising an identifier of the active selection element and an auxiliary element and said identifier are located close to said active selection element (figure 6F, the arrow is close to the identifier of the element "C50").

**As to claim 21**, Inoue et al. teach a graphical user interface (column 1, lines 50-55), a function of the interface being to present various menus, and one or more selection elements presented via the interface (figure 4A, A00-A03),

at least one selection element comprising an auxiliary element and only an active selection element comprising a visible auxiliary element (Figure 6F, the active selection element C50 with two arrows: up and down (auxiliary elements)); wherein said visible auxiliary element is configured to navigate to another selection element that becomes the next active selection element (figure 6F, C50 has two auxiliary elements including two navigation arrows: up and down configure to navigate to another selection element submenu (6G)); and wherein the interface is configured to hide said auxiliary element in the active selection element upon navigating to said next active selection element (figure 6G, "Enter" button C50 is the no-active selection element. No show auxiliary element in the "Enter" button C50) being to display a newly visible auxiliary element in said next active selection element (figure 4C, CA11 has new visible auxiliary elements being two arrows: up and down). Although Inoue et al. teach the limitation of highlighting selection elements located on a LCD display screen, Inoune et al. fail to clearly teach the feature of the displaying a magnified version of the active selection element. However, Smethers teaches the displaying a magnified version of the selection element at figures 5A, 5B and 5D. "Email", "Inbox" and "Back" are magnified versions. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the magnifying the selection elements of Smethers with the teaching of Inoue of plurality of selection elements. Motivation of the combination would have been to be

easy to view and select the selection elements because of increasing their size.

**As to claim 26,** Inoue et al. teach a graphic user interface (figure 1A); a processor configured to display a plurality of selection elements on said graphic user interface (figure 4A, A00-A03); a processor configured to allow a user to activate one of the selection elements (figure 6E, "ENTER" is selected); Although Inoue et al. teach the limitation of highlighting selection elements located on a LCD display screen, Inoune et al. fail to clearly teach the feature of displaying a magnified version of the active selection element. However, Smethers teaches the displaying a magnified version of the selection element at figures 5A, 5B and 5D. "Email", "Inbox" and "Back" are magnified versions. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the magnifying the selection elements of Smethers with the teaching of Inoue of plurality of selection elements. Motivation of the combination would have been to be easy to view and select the selection elements because of increasing their size.

**As to claim 27,** Inoue et al. show configured to display a submenu for the active selection element (figure 6G).

**As to claim 29,** Inoune et al. teach said apparatus being a personal digital assistant (figure 1A).

**As to claim 30,** Inoue et al. teach means for performing at least a plurality of operations; means for displaying a plurality of selection elements (figure 4A,

A00-A03); means for activating one of the selection elements (figure 6E, "ENTER" is selected) and means for displaying a version of the active selection element along with at least one auxiliary element (Figure 6F, the active selection element C50 with two arrows: up and down (auxiliary elements). Although Inoue et al. teach the limitation of highlighting selection elements located on a LCD display screen, Inoue et al. fail to clearly teach the feature of displaying a magnified version of the active selection element. However, Smethers teaches the displaying a magnified version of the selection element at figures 5A, 5B and 5D. "Email", "Inbox" and "Back" are magnified versions. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the magnifying the selection elements of Smethers with the teaching of Inoue of plurality of selection elements. Motivation of the combination would have been to be easy to view and select the selection elements because of increasing their size.

**As to claim 32,** Smethers teaches continuing to display a substantially unmagnified version of said active selection element while displaying said magnified version of the active selection element (figure 5A-5B, "Email" button).

**As to claim 33,** Inoue et al. teach the at least one of auxiliary element comprising at least one selection aid indicating a selectable function (figure 6F-6G, the C50 has the auxiliary element (arrow) comprising the navigation arrow indicating the displayed submenu (6G) being the selectable function).

**As to claim 34,** Inoue et al. teach at least one of the at least one auxiliary element is a navigation aid that is configured to navigate to said submenu (figure 6F-6G, the C50 has the auxiliary element (arrow) comprising the navigation arrow indicating the displayed submenu (6G) being the selectable function).

**As to claims 35 and 38,** Inoue et al. teach the at least one auxiliary element including a plurality of navigation aids indicating possible navigating directions for activating another selection element other than said active selection element (figure 6F, C50 has two auxiliary elements including two navigation arrows: up and down to navigate to the submenu Cc6, figure 6C) and wherein at least one of said auxiliary elements is located near said identifier (figure 6F, the arrow is close to the identifier of the element "C50").

**As to claim 36,** Inoue et al. teach the interface being configured to display a submenu with respect to the active selection element (figure 6G), the submenu comprising a plurality of selection elements (the submenu comprising plurality of selection elements Cc6).

**As to claims 37 and 39,** Inoue et al. teach the at least one auxiliary element including a plurality of navigation aids indicating possible navigating directions for activating another selection element other than said active selection element and wherein at least one of directional indicators is configured to navigate to said submenu (figure 6F, C50 has two auxiliary elements including two navigation arrows: up and down to navigate to the submenu Cc6, figure 6C).

**As to claim 40,** Inoue et al. teach displaying a plurality of selection elements (figure 4A, A00-A03); activating one of the selection elements (figure 6E, "ENTER" is selected); and displaying a version of the active selection element along with an associated submenu (Figure 6F, the active selection element C50 with two arrows: up and down (auxiliary elements). Although Inoue et al. teach the limitation of highlighting selection elements located on a LCD display screen, Inoue et al. fail to clearly teach the feature of the displaying a magnified version of the active selection element. However, Smethers teaches the displaying a magnified version of the selection element at figures 5A, 5B and 5D. "Email", "Inbox" and "Back" are magnified versions. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the magnifying the selection elements of Smethers with the teaching of Inoue of plurality of selection elements. Motivation of the combination would have been to be easy to view and select the selection elements because of increasing their size.

**As to claim 41,** Smethers teaches the magnified version of the active selection element (figure 5B, "Inbox") being displayed along with said plurality of selection elements (figure 5B, the submenu email).

**As to claim 42,** Inoue et al. teach the submenu including a plurality of selection elements (figure 6G).

**As to claim 43,** Inoue et al. teach displaying at least one auxiliary element in said submenu (figure 4C, Ca11).

**As to claim 44,** Inoue et al. teach the at least one auxiliary element including navigation aids (figure 4C, Ca11 comprising two elements arrows: up and down).

**As to claim 45,** Inoue et al. teach the at least one auxiliary element including selection aids (figure 6F, C50 comprising the selection aid).

#### **Response to Arguments**

Applicant has argued that Inoue et al. fail to clearly teach the auxiliary elements being not displayed along with a magnified version of the active selection element.

However, while Smethers teaches the magnified version of the active selection element at figures 5A, 5B and 5D and the selection elements: "Email", "Inbox" and "Back" are magnified versions, Inoue et al., as disclosed at figure 6F, shows the auxiliary elements (the two arrows C50) to be displayed along with the version of the active selection element C50 (figure 6E, the "Enter" element is selected to be displayed with the auxiliary elements C50).

Smethers teaches the magnified version of the selection elements at figures 5A-5D such as "Email", "Inbox" and "Back"

#### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141. The fax phone numbers for the organization Where this application or proceeding is

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assigned are as follows: 571-273-8300

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Mylinh Tran

Art Unit 2179

/Weilun Lo/

Supervisory Patent Examiner, Art Unit 2179